

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Requests for Waiver and Review of Decisions)	
of the Universal Service Administrator by)	
)	
Ann Arbor Public Schools)	File Nos. SLD-542873, <i>et al.</i>
Ann Arbor, MI, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: December 16, 2010

Released: December 16, 2010

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this order, we grant 38 appeals of decisions of the Universal Service Administrative Company (USAC) from schools and libraries seeking to correct ministerial or clerical errors on their FCC Forms 470 and 471 and other related forms for funding under the E-rate program (formally known as the schools and libraries universal service support program).¹ As an initial matter, we find that five appellants warrant waivers of our appeal filing deadline because the appeals involved errors by USAC or an appeal was filed within 60 days of the appellant receiving actual notice.² Next, consistent with the Bureau's *Archer Public Library Order*³ and based on our review of the record, we find good cause exists to waive sections 54.504(b), 54.504(c), and 54.507(c), as necessary, of the Commission's rules to permit these petitioners to correct ministerial or clerical errors on their original FCC Forms 470 and 471 and other related forms or submissions to USAC.⁴

2. Specifically, we find that the petitioners inadvertently made ministerial or clerical errors while completing their FCC forms, while responding to USAC requests for additional information during

¹ In this order, we use the term "appeals" to refer generally to requests for review of decisions issued by USAC. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c). A list of the appeals is attached in the appendix.

² 47 C.F.R. § 54.720. We first find that Illinois School for the Visually Impaired, International College Preparatory Academy, and Nur-UI-Islam Academy were seeking to correct errors made by USAC in processing their applications but were not aware of those errors until after the 60-day appeal deadline. We also find that Greater Albany Public Schools and Holcomb Unified School District 363 filed their respective appeals within 60 days of discovering or receiving notice of the defects in their applications.

³ *Request for Review of the Decision of the Universal Service Administrator by Archer Public Library, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-140961, *et al.*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518 (2008) (*Archer Order*) (granting waivers permitting petitioners to correct clerical or ministerial errors in their FCC Forms 471 or associated item 21 attachments).

⁴ See appendix; 47 C.F.R. §§ 54.504(b), 54.504(c), 54.507(c).

the application review process, or while making requests for service substitution.⁵ These errors include: failing to timely notify USAC to correct a USAC clerical error;⁶ entering the wrong FCC Form 470 number, wrong billed entity number, or wrong billed entity number/worksheet number on their FCC Form 471;⁷ entering the wrong name or service provider identification number (SPIN);⁸ entering the wrong expiration date for a contract;⁹ erroneously characterizing the purchase and installation of equipment as a recurring service;¹⁰ making a calculation error;¹¹ entering the monthly charge as the annual charge;¹² entering the discounted annual price rather than the pre-discount annual price;¹³ entering the amount that a service provider was mistakenly temporarily charging rather than the contracted monthly rate;¹⁴ miscalculating its discount rate;¹⁵ failing to separately list a building where equipment was to be located;¹⁶ failing to enter a request for telecommunications service that was clearly indicated on its item 21 attachment;¹⁷ basing its block 5 funding requests on the wrong FCC Form 471 block 4 worksheet;¹⁸ selecting the wrong term or service;¹⁹ selecting the wrong category of service in its FCC Form 471;²⁰ making a typographical error in recording the cost of ineligible equipment in response to a USAC request for additional data;²¹ failing to follow the correct procedure for modifying its FCC Form

⁵ Ministerial and clerical errors are those that would, for example, be made when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetical error.

⁶ Illinois School for the Visually Impaired (misplaced decimal point), International College Preparatory Academy (treating a monthly bill as an annual total), Nur-UI-Islam Academy (treating a monthly bill as an annual total) (concerning application 585505).

⁷ Clare-Gladwin RESD, Roosevelt School District No. 66, Santa Clara County Office of Education, Shasta Union High School District, Wallace School District 65-R, Winchester Public Schools, York County School District 1.

⁸ Burlington County Special Services District, New Kent County Public Schools (gave wrong name of service provider).

⁹ Ann Arbor Public Schools.

¹⁰ Cartwright School District, Centralia School District, Cocke County Schools, Community School for Apprenticeship Learning, Harmony Area School District, Long Beach Unified School District.

¹¹ Okmulgee Independent School District 1.

¹² Oklahoma City Public Schools.

¹³ South O'Brien Community School District.

¹⁴ Avery County School District.

¹⁵ Rio Dell Elementary School District.

¹⁶ Garvey School District, Taos Municipal Schools.

¹⁷ St. John the Apostle School (concerning application 752047).

¹⁸ San Bernardino City Unified School District.

¹⁹ Nur-UI-Islam Academy (concerning application 564645), Rio Grande City Consolidated Independent School District.

²⁰ Miami-Dade County Public Schools, Holcomb Unified School District 363.

²¹ Rosemead Elementary School District (the cost of ineligible equipment, the amount of which was to be subtracted from a total purchase, was mistakenly recorded during PIA review as \$44,543.25 x 2, instead of \$4,543.25 x 2).

471,²² mistakenly providing the wrong documentation concerning a purchase;²³ and describing the service it purchased as for its entire district when it was only intended to serve a single elementary school.²⁴ In addition, one applicant omitted a service from a service substitution request,²⁵ and another entered the wrong application number on the certifications it submitted and apparently failed to press the submit button to submit its otherwise completed application.²⁶

3. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of the underlying applications listed in the appendix and issue an award or a denial based on a complete review and analysis no later than 120 calendar days from the release date of this order.²⁷

4. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the requests for review filed by the petitioners listed in the appendix ARE GRANTED and their applications ARE REMANDED to USAC for further consideration to the extent provided herein.

5. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.3, that sections 54.504(b), 54.504(c), and 54.507(c) of the Commission's rules, 47 C.F.R. §§ 54.504(b), 54.504(c), and 54.507(c) ARE WAIVED for the petitioners listed in the appendix as provided herein, and that section 54.720 of the Commission's rules, 47 C.F.R. § 54.720, IS WAIVED for the petitioners listed in footnote 2.

6. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, that USAC SHALL COMPLETE its review of each remanded application listed in the appendix and ISSUE an award or a denial based on a complete review and analysis no later than 120 calendar days from the release date of this order.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

²² Baxley Wilderness Institute.

²³ Yupiit School District.

²⁴ Liberty Public Schools.

²⁵ Chico Unified School District (substitution request inadvertently omitted a service whose cost was included in the submitted total).

²⁶ Iredell-Statesville Schools.

²⁷ In performing a complete review and analysis of the underlying application, USAC shall either grant the underlying application before it, or, if denying the application, provide the applicant with any and all grounds for denial.